



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 15005/2019

Gaurav S/o Shri Sampat Lal Maheshwari, Aged About 30 Years,
C-71, Shanker Nagar, Police Station, Chopasani Housing Board,
Jodhpur. (Presently Lodged In Central Jail Jodhpur).

----Petitioner

Versus

State, Through P.p.

----Respondent



For Petitioner(s)	: Mr. Anand Purohit, through Jitsi Meet App
For Respondent(s)	: Mr. Gaurav Singh, PP, through Jitsi Meet App
For complainant(s)	: Mr. Pritam Solanki Mr. Hemant Dutt

JUSTICE DINESH MEHTA

Order

13/05/2020

(1) This application for bail has been filed by the petitioner under Section 439 of the Cr.P.C. in connection with CR No.205/2019, Police Station Udaimandir, District Jodhpur, for the offences under Sections 420, 406, 467, 468 and 471 IPC.

(2) Mr. Anand Purohit, learned Senior Counsel, submits that the petitioner is behind the bars since 30.10.2019 for the offences triable by Magistrate. It is further submitted that the petitioner has given benefit of release on bail by this Court vide another order dated 11.05.2020 passed in S.B. Criminal Misc. Bail Application No.1825/2020, arising from another FIR, involving identical allegations/offences.



(3) Learned Public Prosecutor so also the learned counsel for complainant have opposed the bail application.

(4) Mr. Dutt, learned counsel appearing for GST Department, submitted that the petitioner has devoured huge amount of Rs.17 crores by fraudulent transactions and till date, only around one crore has been recovered in the matter. It is further submitted

that the petitioner is kingpin of the whole fraud committed by him and of creating bogus firms/companies claiming GST Refunds for the transactions which never took place. It is further submitted that the money withdrawn by the petitioner has been deposited in the bank accounts of his relatives and the GST Department had

issued summons to them for the purpose of investigation and the same is still going on. Mr. Dutt has further submitted that if the petitioner is enlarged on bail, there are chances that he may influence the witness and recovery of the embezzled public money will be difficult.

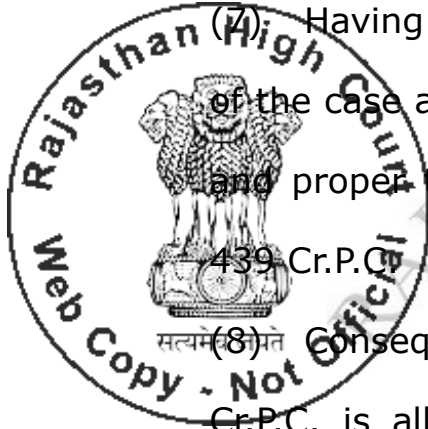
(5) Mr. Anand Purohit, learned Senior Counsel, submits that the petitioner is prepared to put himself to the following conditions for his release:-

- (i) neither the petitioner nor his wife, children, father and mother shall transfer, sell or otherwise alienate any of their moveable or immoveable properties;
- (ii) he will surrender his passport (if any) in the Trial Court within two weeks of his release;
- (iii) he will furnish details of all his bank accounts; and
- (iv) petitioner will not withdraw more than Rs.50,000/- per month from his bank accounts.

(6) It is noticed that the police have filed charge-sheet against the petitioner under various offences by concluding that he has



created bogus firms/companies and received huge amount as GST refunds for the transactions which never took place, however, investigation against the petitioner has already been completed and he is in judicial custody. The police have filed charge-sheet against the petitioner for the offences, which are triable by the Court of Magistrate.



(7) Having regard to the totality of the facts and circumstances of the case and considering the undertaking offered, I deem it just and proper to grant bail to the accused petitioner under Section 439 Cr.P.C.

(8) Consequently, the bail application filed under Section 439 Cr.P.C. is allowed. The petitioner Gaurav S/o Shri Sampat Lal Maheshwari, arrested in CR No.205/2019, Police Station Udaimandir, District Jodhpur shall be released on bail on his furnishing personal bond in the sum of Rs.1,00,000/- and two sureties of Rs.50,000/- each.

(9) Within a period of two weeks of release, the petitioner shall furnish an undertaking in the Trial Court incorporating the above four conditions enumerated in para No.(5) above. He shall also cause to furnish undertakings of his father, mother and wife in relation to the condition No.(i) above.

(10) In case of breach of any of the conditions of the undertaking(s), the State will be free to take appropriate proceedings, including applying for cancellation of the bail so granted.

(11) Petitioner shall be required to appear before that Court on all dates of hearing and as and when called upon to do so.

(12) A copy of this order be sent to Department of Passport, Jodhpur and Institute of Chartered Accountants, New Delhi for



information, as he is a member of the Institute of Chartered Accountants.

(DINESH MEHTA),J

1-skm/-



RAJASTHAN HIGH COURT



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